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PAUL D. TONKO
U.S. HOUSE OF REPRESENTATIVES
20TH DISTRICT, NEW YORK

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COMMITTEE ON ENERGY AND COMMERCE
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November 9, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Chairman Pai,

I write out of concern that the Federal Communications Commission (FCC) is failing to bridge the digital divide because of faulty broadband data and inappropriately low baseline standards for rural service. Deployment in my own district has been inconsistent, with many of my constituents experiencing slow speeds even when they live near neighbors with superior service.

My constituents have repeatedly expressed frustration with their limited access to broadband Internet, calling into question FCC's census-based maps that inaccurately claim otherwise. I have heard from doctors who depend on the Internet to read X-rays when they are on call, from librarians who see students sitting in the parking lot after hours so they can finish homework, from workers who are forced to leave their home to find high enough speeds that they can upload and download large files. They all ask "When will we have access to broadband?" As a nation, we owe all of these people an answer.

The FCC's primary tool for supporting high-speed internet deployment—the Connect America Fund—has had its beneficial impact limited, in part because the FCC's data consistently overstate the actual level of deployment. This results from a flaw in the FCC's data collection methods that count an entire census block as being served if just one person in the area has high-speed internet. In districts like mine, census blocks span large geographic areas. In many cases, one residence is not at all representative of the rest of the homes in the block. This "one-served-all-served" method of counting has led the FCC to fail to ensure adequate access in many areas, worsening the digital divide.

In addition to basing its decisions on incomplete data and faulty methods, the FCC has also developed a more recent tendency to lower standards for the quality of broadband that residents in rural areas should be able to expect. This has important consequences for small business and job creation, industry development, workforce training and more. The FCC should be focused on increasing buildout requirements for companies that receive funding from the FCC. In this way, the Commission could ensure that Americans have access to genuine high-speed Internet with fast enough download and upload speeds to be able to compete in the U.S. and global economies.

I am grateful for your consideration of this matter and would be pleased to respond to any questions you may have. While the State of New York's broadband projects and the FCC's Connect American Fund have taken important first steps to deploy broadband in my district and others, we must do more. I urge you to expeditiously review and address these issues, consistent with applicable law and regulations. Please contact Emily Duhovny at (202) 225-5076 in my office should you have any questions regarding this letter.

Sincerely,

A handwritten signature in blue ink, reading "Paul D. Tonko". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Paul D. Tonko
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 14, 2018

The Honorable Paul D. Tonko
U.S. House of Representatives
2463 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Tonko:

Thank you for your letter about the Federal Communications Commission's efforts to bridge the digital divide. I absolutely agree that far too many Americans still lack access to high-speed Internet. We should take every step possible to ensure all Americans are connected.

That's why the FCC's top priority under my leadership remains bringing digital opportunity to all Americans. That's why the Commission maintained the benchmark speed for high-speed fixed broadband service at 25 Mbps/3 Mbps and concluded that mobile broadband is not a full substitute for fixed service. And that's why in my first week as Chairman, the Commission dedicated up to \$170 million to aid the deployment of broadband infrastructure to unserved areas of rural New York as part of the state's New NY Broadband Program.

Your letter expresses concern about the accuracy of our Form 477 data collection program. I agree that maintaining updated and accurate data about broadband deployment is critical to bridging the digital divide. That is why the Commission adopted a Further Notice of Proposed Rulemaking last August to make sure our Form 477 data is as accurate as possible. The purpose of the proposed rules in the FNPRM is to collect better and more accurate information and to explore ways to increase the usefulness of the data collected for fixed broadband deployment and mobile broadband deployment. In particular, we seek comment on a number of proposals to increase the level of detail of the data reported for fixed broadband deployment and different approaches to improving the quality of data for mobile broadband deployment. Going forward, we want to make sure that overall Form 477 is giving us the right snapshot of where connectivity is and where it isn't.

I appreciate your interest in this matter. Your views are very important and will be entered into the record and considered as part of the Commission's review. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ajit V. Pai".

Ajit V. Pai